What is a supplemental environmental project?

A supplemental environmental project (SEP) is an environmentally beneficial project. For companies found in violation of an environmental regulation, a SEP may be used to reduce the cash penalty amount the person or company may owe, if certain conditions are met.

A SEP must be an activity that the person or entity is not otherwise required to perform by any state, local, or federal statute, regulation, rule, order, decree, permit, or other law or agreement.

A SEP must go beyond what a violator is required to do to achieve and maintain compliance.

A SEP cannot be part of an action the company is required to perform as injunctive relief in the current case, as part of a settlement or order in another legal action, or as part of what is required to ensure normal compliance with environmental regulations.

For More Information

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Web Resources

www.legislature.idaho.gov/idstat/Title39/T39CH1SECT39-108.htm

Idaho Code 39-4414(1)(c): Monetary Penalties
www.legislature.idaho.gov/idstat/Title39/39CH44SECT39-4414.htm

Compliance and Enforcement
www.deq.idaho.gov/compliance-enforcement

Environmental Assistance and Resources
www.deq.idaho.gov/assistance-resources

Pollution Prevention
www.deq.idaho.gov/pollution-prevention-for-businesses
What are the categories of SEPs?

A SEP must fall into at least one of four categories: pollution prevention, pollution reduction, public awareness, or general enhancement of the quality of the environment.

Pollution Prevention
A pollution prevention SEP reduces, at the source, the amount or toxicity of any hazardous substance, pollutant, or contaminant entering any wastestream or otherwise being released into the environment. These projects may involve changing industrial processes, substituting fuels and raw materials, or implementing recycling and reuse. Pollution prevention also includes any project that protects natural resources through conservation or increased efficiency in the use of energy, water, or other materials.

Pollution Reduction
A pollution reduction project employs recycling, treatment, containment, or disposal techniques to reduce the toxicity of a pollutant or wastestream that has already been generated or released.

Public Awareness
Public awareness SEPs may include publications, broadcasts, or seminars aimed at the regulated community that underscore the importance of environmental compliance, pollution reduction, and/or pollution prevention. These projects may be accomplished directly by the company or through donations to nonprofit groups. They may also include efforts directed toward emergency planning or preparedness support or providing training to responsible state or local emergency response or planning entities or other specific or general public groups.

Environmental Enhancement
An environmental enhancement SEP goes beyond repairing the environmental damage caused by a violation to protect, restore, or otherwise enhance the environment. Cleanups required by law do not fall under this category. Included in this category are proposals to donate money to a local government or nonprofit entity to advance the goals of a specific environmental program or project or to conduct qualifying research.

How is the penalty reduction calculated?

The penalty reduction a company or person may receive from implementing a SEP is calculated using the cost of the SEP minus any economic benefit gained from implementing the project. A maximum 2:1 ratio may then be applied such that for every two dollars spent on the SEP, the penalty may be reduced by one dollar, with a maximum reduction not to exceed 75% of the total penalty amount.